

March 17, 2005

Hendrik M.K. Van Leesten
TIF Coordinator
Office of Strategic Business Management
111 N.W. First Street
22nd Floor
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION 05-28

Dear Mr. Van Leesten:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 16, 2005 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between his position and outside employment as a real estate broker.

In your letter, you informed the Commission that you are currently serving as a Tax Increment Financing (TIF) Coordinator for the Office of Strategic Business Management. Tax increment financing is used for the development of Community Redevelopment Areas in slum or blighted areas. The county currently has nine community redevelopment areas including the Naranja Lakes CRA, the Seventh Avenue Corridor CRA and the Overtown CRAs.

As TIF Coordinator, your responsibilities include assisting the Office of Community and Economic Development in developing finding of necessity studies for new CRAs; soliciting developer proposals, contract negotiations and acquisition of property through eminent

domain; assisting in the creation of CRA agendas; developing interlocal agreements, reviewing CRA budgets, bond issues and audits and processing tax increment payments.

After receiving your Real Estate Broker license, you will work for a firm in Tamarac. You will primarily market his services to individuals seeking to relocate from the Northeast and Eurpoe. You will not sell any property located within the CRA areas. You will also not work with any clients that are working as developers or in other capacities with Miami-Dade County in the redevelopment areas.

The Commission found that you may serve as a Real Estate Broker and work as a TIF coordinator for the Office of Strategic Business Management. Section 2-11.1(j) provides that no employee "shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties. Therefore, you may perform the outside employment as long as his clients do not seek analysis or assistance with any properties or developments owned, leased, financed or sought by Miami-Dade County or municipalities within Miami-Dade County for CRA projects.

Further, you should submit a list of your clients and their projects on a quarterly basis to the OSBM director so that she may evaluate your client list for any potential conflicts.

Finally, you may not represent your clients before any county board or agency and must report his outside employment on an annual basis.

Therefore, you may serve as a Real Estate Broker and work as a TIF coordinator as long as his clients do not seek analysis or assistance regarding any projects located in CRA districts or areas being considered for

CRA designation. Further, You must submit a client list to the OSBM director on a quarterly basis so that she may review it for any potential conflicts and report his outside employment and report your outside employment on an annual basis.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS
Executive Director